

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.160 OF 2007
IN
FAMILY COURT APPAL ST.NO.12957 OF 2007

Gautam Pandurang Nage .. Applicant

Vs.

Lata Gautam Nage .. Respondent

Mr.B.G.Tangsali for the applicant

Ms.Neena B.Chakraborty for the respondent

**CORAM : J.N.PATEL &
A.A.SAYED, JJ.**

DATED : 1ST OCTOBER, 2007

P.C.:

1. Heard.

2. There is an application for condonation of delay of 133 days filed by the applicant who has preferred the appeal. The reason given in the application is his indifferent health. There is no medical certificate annexed to the application. Inspite of that, we find that in order to give a

fair opportunity to the applicant, the delay can be condoned subject to cost which we quantify as Rs.1,000/- as condition precedent to the respondent. The cost to be paid within a period of 2 weeks. The appeal to be listed after registering the same.

3. The learned counsel for the appellant submits that inspite of our order dated 10th September, 2007, the applicant has not been able to collect sufficient funds to clear all arrears of maintenance and deposit sum of Rs.5000/- towards initial expenses for litigation. On taking instruction from his client, he makes a statement that his client undertakes to clear all arrears of maintenance and deposit a sum of Rs.5000/- within a period of 6 weeks. We accept the undertaking.

(J.N. PATEL, J)

(A.A. SAYED, J)